

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KATHRYN L. FITZGIBBON, LAUREN :
M. FLEMING, and ALL SIMILARLY :
SITUATED CURRENT AND FORMER :
EMPLOYEES OF ING BANK, fsb, :
AND ITS WHOLLY OWNED :
SUBSIDIARIES, :

Plaintiffs, :

v. :

Civil Action No. 07-735 JJF

ING BANK, fsb, (a Delaware :
corporation), and ALL OTHER :
WHOLLY OWNED SUBSIDIARIES OF :
ING BANK, fsb, WHICH HAVE :
EMPLOYED SIMILARLY SITUATED :
CURRENT AND FORMER EMPLOYEES :
SINCE November 15, 2004 :

Defendants. :

ORDER

At Wilmington, this 26 day of August 2008, for the reasons
discussed in the Memorandum Opinion issued this date;

NOW THEREFORE, IT IS HEREBY ORDERED that Plaintiffs' Motion
to Dismiss Defendant's Counterclaims and Motion for Judgment on
the Pleadings (D.I. 13) are **DENIED**.


UNITED STATES DISTRICT JUDGE